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Situation of human rights in Myanmar

Report of the Secretary-General*

I. Introduction

1. The present report is submitted pursuant to paragraph 18 of General Assembly resolution 54/186 of 17 December 1999 on the situation of human rights in Myanmar, in which the Assembly requested me to continue my discussions with the Government of Myanmar on the situation of human rights and the restoration of democracy in Myanmar, to submit additional reports to the Assembly during its fifty-fourth session on the progress of those discussions and to report to the Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-sixth session.

2. As I have indicated in previous reports, I consider the role entrusted to me by the General Assembly as being one of good offices, as opposed to the fact-finding mandate assigned to the Special Rapporteur of the Commission on Human Rights.

3. In implementation of resolution 54/186, in April 2000, I appointed Razali Ismail, former Permanent Representative of Malaysia to the United Nations, as my new Special Envoy, replacing Alvaro de Soto. Mr. Razali visited Myanmar from 29 June to 3 July 2000 to "build confidence" with his interlocutors. During his visit, Mr. Razali held consultations with Lieutenant-General Khin Nyunt, Secretary-1 of the State Peace and Development Council, U Win Aung, Minister for Foreign Affairs, and Brigadier-General David Abel, Minister in the office of the Chairman of the State Peace and Development Council. He also held consultations with leaders of two political parties, namely, the National League for Democracy (NLD), including its General-Secretary Daw Aung San Suu Kyi, and the Shan Nationalities League for Democracy.

* The footnote requested by the General Assembly in resolution 54/248 was not included in the submission.

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4. Mr. Razali undertook his second mission to Myanmar from 9 to 12 October 2000. During his second visit, Mr. Razali held consultations with senior General Than Shwe, Chairman of the State Peace and Development Council, Lieutenant-General Khin Nyunt, Secretary-1 of the Council, U Win Aung, Minister for Foreign Affairs, Major General Ket Sein, Minister of Health, and Colonel Tin Hlaing, Minister of Home Affairs. He also held two rounds of discussions with Daw Aung San Suu Kyi at her residence and had a meeting with U Aung Khan Htyi, leader of the Pao ethnic group, during his trip to the Shan State.

5. Mr. Razali's second mission took place during what I look on as a setback in the atmosphere surrounding the efforts for national reconciliation. On 24 August, Daw Aung San Suu Kyi and a dozen other NLD leaders were stopped near Dala, a small town on the outskirts of Yangon, when they attempted to travel to the south to carry out NLD business. After a nine-day standoff, Daw Aung San Suu Kyi and other NLD leaders were brought back to the capital and confined to their homes by the authorities on 2 September. Concerned about their well-being, I issued two statements and, taking advantage of his presence in New York during the fifty-fifth session of the General Assembly, met with U Win Aung, on 12 September. During the meeting, I requested that the authorities immediately remove restrictions on the movement and access to the diplomatic corps imposed on Daw Aung San Suu Kyi and other NLD leaders. I was pleased to note that the restrictions were lifted on 14 September, shortly after my meeting with the Minister.

6. However, a week later, on 21 September, Daw Aung San Suu Kyi and other NLD leaders attempted to travel again, this time to Mandalay. Daw Aung San Suu Kyi was brought back from the Yangon train station and again confined to her home by the authorities. The whereabouts of the other NLD members who were taken away from the train station was not known. I regret to note that the restrictions on the movement and access to the diplomatic corps imposed on Daw Aung San Suu Kyi and other NLD leaders have still not lifted.

II. Contents of the discussions

7. My Special Envoy and I have raised, separately, with the Myanmar authorities the concerns of the General Assembly and the Commission on Human Rights with the Myanmar authorities and other political figures, as reflected in their resolutions adopted over the years on the restoration of democracy and human rights in Myanmar, a dialogue involving the Government, political parties — particularly the NLD — and ethnic groups, freedom for political parties to conduct normal political activities, the release of political prisoners, the visit of the Special Rapporteur of the Commission on Human Rights, continued access to prisoners by the International Committee of the Red Cross (ICRC) and, last, but by no means least, on forced labour practices.

8. In our separate discussions with the authorities, my Special Envoy and I pointed out that the recent events in Yangon underscored the need for national reconciliation in Myanmar. During his second mission, my Special Envoy therefore focused his efforts on finding a way to initiate the process of dialogue that would lead to national reconciliation. The Special Envoy reasoned that Myanmar should benefit from being a member of the Association of South-East Asian Nations (ASEAN) and that now was the time for the two sides to begin talks. He called on

senior General Than Shwe, Lieutenant-General Khin Nyunt and other government leaders to consider taking the initiative in opening dialogues with opposition leaders, including Daw Aung San Suu Kyi. At the same time, the Special Envoy also urged Daw Aung San Suu Kyi to engage in a dialogue with the authorities and to respond in good faith if they took positive steps towards national reconciliation.

9. The authorities repeated that their Government was a transitional government, compelled to take the reigns of power in 1988 to prevent the country from disintegrating, and that they would be ready to hand over power once unity, stability and a degree of economic development took hold. Noting that NLD showed no sign of sincerity and mutual respect, the authorities said that one way of demonstrating sincerity was by showing a desire to "work constructively" instead of attacking everything the Government did. Daw Aung San Suu Kyi, for her part, expressed her continued readiness to engage in a dialogue with the Government at any time. My Special Envoy met with a representative of one ethnic group who expressed a desire to see a political dialogue take place between NLD and the military authorities. In my Special Envoy's view, the first step in the resumption of a political dialogue towards national reconciliation should be to ease the sense of mutual distrust between the military leadership and Daw Aung San Suu Kyi. He pointed out that, while the United Nations was willing to assist their efforts, national reconciliation was an issue that they themselves had to manage.

10. My Special Envoy stressed the need for the authorities to deal seriously with the requirements of the International Labour Organization (ILO) regarding the practice of forced labour. The authorities assured him that the Government had done its best to comply with the requirements of ILO on that subject and that it was prepared to discuss specific measures with the ILO technical mission during its visit to Yangon from 20 October. He also conveyed to the authorities the widespread concern of the international community over the situation in Myanmar, especially the imprisonment of people who are perceived from the outside as being no more than political activists. Such actions, in his view, could not but impact negatively on the Government's goal of returning the country to democracy. While appreciating the release of three elderly people from prison during the summer, my Special Envoy also requested that the authorities do more. The Government indicated to my Special Envoy that it would review more cases of prisoners for possible release, while assuring him of its continued cooperation with ICRC concerning visits to prisons and other places of detention, according to its standard procedures. I was pleased to note that, as a result of the Special Envoy's efforts, another five elderly people were released from prison on 17 October.

11. In his meetings with the authorities and Daw Aung San Suu Kyi, my Special Envoy also discussed the possibility of a greater United Nations humanitarian assistance, especially in the health sector to deal with the ever-increasing issues of HIV/AIDS, malaria and lack of immunization. The Government mentioned maternal and child welfare as an area in which international assistance is also required.

12. The issue of the visit of the Special Rapporteur of the Commission on Human Rights was raised, but there was no response from the authorities as to when such a visit could take place.

III. Observations

13. I welcome the fact that my Special Envoy was able to hold a discussion with the senior General Than Shwe and to meet twice with Daw Aung San Suu Kyi during his second mission to Myanmar. I also welcome the announcement by the authorities that universities and colleges in Myanmar have been reopened for the first time in three years. While I am unable to report concrete progress on other issues that the international community has raised time and again in successive General Assembly and Commission on Human Rights resolutions, it is my strong hope that the discussions that my Special Envoy had with the top leadership of Myanmar and with Daw Aung San Suu Kyi will give rise to a new momentum for a resumption of the process of dialogue between the two sides in the coming months. I stand ready to continue to do my utmost to assist the process of national reconciliation in Myanmar, in particular with the assistance of countries in the region.